

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 F. MICHAEL MCCLANNAHAN,

Case No.: 2:18-cv-00611-APG-CWH

4 Plaintiff

**Order Accepting Report and
Recommendation and Setting Deadline to
File Amended Complaint**

5 v.

6 NEVADA STATE BANK,

[ECF No. 4]

7 Defendant

8 On July 10, 2019, Magistrate Judge Hoffman recommended that I dismiss plaintiff F.
9 Michael McClannahan's complaint with leave to amend. ECF No. 4. McClannahan did not file
10 an objection. Thus, I am not obligated to conduct a de novo review of the report and
11 recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo
12 determination of those portions of the report or specified proposed findings to which objection is
13 made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the
14 district judge must review the magistrate judge's findings and recommendations de novo *if*
15 *objection is made*, but not otherwise" (emphasis in original)).

16 IT IS THEREFORE ORDERED that Judge Hoffman's report and recommendation (**ECF**
17 **No. 4**) **is accepted** and plaintiff F. Michael McClannahan's complaint (ECF No. 1-1) is
18 DISMISSED without prejudice.

19 IT IS FURTHER ORDERED that on or before August 30, 2019, plaintiff F. Michael
20 McClannahan may file an amended complaint consistent with the instructions in Judge
21 Hoffman's report and recommendation. Failure to file an amended complaint by that date will
22 result in dismissal and closure of this case without prejudice.

23 DATED this 6th day of August, 2019.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE